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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/572,694

11/08/2006

Cedric Dupont

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26646

7590

04/14/2010

KENYON & KENYON LLP
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EXAMINER

FRIEDHOFFER, MICHAEL A

ART UNIT

PAPER NUMBER

2833

MAIL DATE

DELIVERY MODE

04/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/572,694	Applicant(s) DUPONT ET AL.	
	Examiner Michael A. Friedhofer	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-30 is/are allowed.
- 6) ☒ Claim(s) 31-33 and 35-40 is/are rejected.
- 7) ☒ Claim(s) 34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/12/10</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 31-33, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over May in view of Shibata et al (6,521,848).

May discloses in the figures a rotary knob 2 for operating a motor vehicle by rotation of the rotary knob comprising an at least partially transparent display area 10 rotatable with and in response to an angular movement of the rotary knob; and a controllable light source 11 adapted to display changeable information items on the display layer. The display layer includes a side facing an operator and a side facing away from the operator, the side facing away from the operator illuminatable by the controllable light sources. The controllable light source is arranged in back of the display layer with respect from a side of the display layer facing an operator. As for providing a scattering lens between the light source and the display layer, this is a matter of engineering design choice in which the lens is well known in the art for providing evenly distributed light across the surface of the display.

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May discloses all of the claimed limitations with the exception of there being at least two rotary knobs.

Shibata et al teaches a plurality of rotary knobs for operating devices in the motor vehicle in which a controllable light source is associated with each knob and displays independently information on the knobs. The information is also displayable on a separate display.

It would have been obvious to one of ordinary skill in the art to apply the teachings of Shibata et al to utilize a plurality of such knobs in the motor vehicle because this is for the well known purpose of ergonomic and reduction of spaces such switches require by placing them in a single location and for performing a number of distinct operations.

3. Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over May (6348772) as modified by Shibata et al (6,521,848) as applied to claims 21-23, 26, 31-33, 35, and 36 above, and further in view of Gillbrand et al (5335743).

May as modified by Shibata et al teaches all of the claimed limitations with the exception of the knobs being mounted in the steering wheel.

Gillbrand et al teaches the placement of switches including rotary switches in the steering wheel.

It would have been obvious to one of ordinary skill in the art to apply the teachings of Gillbrand et al to May as modified by Shibata et al to place the knobs on the steering wheel because this is for the purpose of ergonomics and

safety since placing them in the steering wheel enables the operator to utilize the switch without taking his eyes off the road. As for the placement away from the edge of the steering wheel, this is a matter of engineering design choice based on the desires of the manufacturer and driver.

Allowable Subject Matter

4. Claims 21-30 are allowed.
5. Claim 34 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 31-33 and 35-40 have been considered but are moot in view of the new ground(s) of rejection.
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sato et al, Nakajima et al, Barat et al, Kuenzner, and Daly teach various multi-knob structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Friedhofer whose telephone number is 571-272-1992. The examiner can normally be reached on Mon-Fri 6:00 - 2:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael A. Friedhofer
Primary Examiner
Art Unit 2833

/Michael A. Friedhofer/
Primary Examiner, Art Unit 2833